

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

IN RE: Jose G. Tapia

(Debtor)

CASE NO.: 17-15565

JUDGE: _____

CHAPTER: 13

CHAPTER 13 PLAN AND MOTIONS

X Original _____ Modified/ Notice Required X Discharge Sought
_____ Motion Included _____ Modified/No Notice _____ No Discharge Sought
Required

Date: _____

THE DEBTOR HAS FILED FOR RELIEF UNDER CHAPTER 13
OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate Notice of the Hearing on Confirmation of Plan, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

PART 1. PAYMENT AND LENGTH OF PLAN

- a. The Debtor shall pay \$200.00 per month 36 months to the Chapter 13 Trustee, starting on _____ for approximately 36 months.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
_____ Future Earnings
_____ Other sources of funding (describe source, amount and date when funds are available) _____

- c. ___ Use of real property to satisfy plan obligations:
- ___ Sale following assets _____ on or before _____
- ___ Refinance following assets _____ on or before _____
- ___ Loan Modification with respect to mortgage encumbering the
 following property _____ on or before _____
- d. ___ The regular monthly mortgage payments will continue pending the sale,
 refinance or loan modification
- e. ___ Other information that may be important relating to the payment and
 length of the plan.

PART 2. ADEQUATE PROTECTION

- a. Adequate protection payments will be made in the amount of \$ _____ to be
paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____
(creditor).
- b. Adequate protection payments will be made in the amount of \$ _____ to be
paid directly by the debtor outside, pre-confirmation to _____ (creditor).

Part 3. PRIORITY CLAIMS (INCLUDING ADMINISTRATIVE EXPENSES)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

<u>Creditor</u>	<u>Type of Priority</u>	<u>Amount to be Paid</u>
The Law Office of Peter E. Zimnis, Esquire	Administrative	\$2250.00
Albert Russo, Trustee	Administrative	\$
IRS	Priority	Notice
State of NJ	Priority	notice

PART 4. SECURED CLAIMS

a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly

obligations due after the bankruptcy filing as follows:

<u>Creditor</u>	<u>Collateral or Type of Debt</u>	<u>Arrearage</u>	<u>Interest Rate on Arrearage</u>	<u>Amount to be Paid to Creditor (In Plan)</u>	<u>Regular Monthly Payment (Outside Plan)</u>
<u>Santander</u>	<u>Sierra</u>	<u>Current</u>		<u>Current</u>	<u>Debtor to maintain</u>
<u>Chase Mortg</u>	<u>Front St</u>	<u>Current</u>		<u>Current</u>	<u>post petition</u>
					<u>payments on all</u>
					<u>secured debts listed</u>
					<u>in this subsection</u>

b. Modification

- 1.) The Debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the “Value of the Creditor Interest in Collateral” plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having “NO VALUE” it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRE the appropriate motion to be filed under Section 7 of the Plan

<u>Creditor</u>	<u>Collateral</u>	<u>Scheduled Debt</u>	<u>Total Collateral Value</u>	<u>Superior Liens</u>	<u>Value of Creditor Interest in Collateral</u>	<u>Annual Interest Rate</u>	<u>Total Amount to Be Paid</u>

- 2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

c. Surrender

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

<u>Creditor</u>	<u>Collateral to be Surrendered</u>	<u>Value of Surrendered Collateral</u>	<u>Remaining Unsecured Debt</u>
SPS	Meany Rd		

d. Secured Claims Unaffected by the Plan

The following secured claims are unaffected by the Plan: _____

- e. Secured Claims to be paid in full through the plan:

<u>Creditor</u>	<u>Collateral</u>	<u>Total Amount to be paid through the plan</u>	

Part 5. **UNSECURED CLAIMS**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

_____ Not less than \$ _____ to be distributed *pro rata*

X_____ Not less than 100 percent of allowed unsecured proof of claims

_____ Pro rata distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

<u>Creditor</u>	<u>Basis for Separate Classification</u>	<u>Treatment</u>	<u>Amount to be Paid</u>

PART 6. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

All executory contracts and unexpired leases are rejected, **except** the following, which are **assumed**:

<u>Creditor</u>	<u>Nature of Contract or Lease</u>	<u>Treatment by Debtor</u>

PART 7. **MOTIONS**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with a Chapter 13 Plan Transmittal Letter, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Proof of Service must be filed with the Clerk of Court when the Plan and Transmittal Letter are served

Where a motion to avoid liens or partially avoid liens has been filed in the plan, a proof of claim filed that asserts a secured claim that is greater than the amount to be paid in the plan serves as opposition to the motion, and serves as an objection to confirmation. The proof of claim shall be served in accordance with D.N.J. LBR 3015-6(a). The creditor shall file a proof of service prior to the scheduled confirmation hearing. In order to prosecute the objection, the creditor must appear at the confirmation hearing, which shall be the hearing on the motion. Failure to appear to prosecute the objection may result in the motion being granted and the plan confirmed pursuant to the terms as set forth in the plan.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

<u>Creditor</u>	<u>Nature of Collateral</u>	<u>Type of Lien</u>	<u>Amount of Lien</u>	<u>Value of Collateral</u>	<u>Amount of Claimed Exemption</u>	<u>Sum of All Other Liens Against the Property</u>	<u>Amount of Lien to be Avoided</u>

b. **Motion to Void Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount of Lien to be Reclassified</u>

c. **Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

<u>Creditor</u>	<u>Collateral</u>	<u>Amount to be Deemed Secured</u>	<u>Amount to be Reclassified as Unsecured</u>

PART 8. **OTHER PLAN PROVISIONS**

a. **Vesting of Property of the Estate**

 X Upon Confirmation

 Upon Discharge

b. **Payment Notices**

Creditors and Lessors provided for in Sections 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. **Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions/Debtor's counsel
- 2) DSO (if applicable)
- 3) Secured Claims
- 4) Priority claims

5) General Unsecured claims

d. Post-petition claims

The Trustee _____ is X is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

PART 9. MODIFICATION

If this plan modifies a plan previously filed in this case, complete the information below.

Date of plan being modified: _____

Explain below why the plan is being modified _____

Explain below how the plan is being modified _____

Are schedules I and J being filed simultaneously with this plan? ____ yes ____ no

PART 10 SIGN HERE

The Law Office of Peter E. Zimnis

Date _____

 /s/ Peter E. Zimnis
Attorney for the Debtor

I hereby certify under penalty of perjury that the foregoing is true and correct.

Date _____

 /s/ Jose Tapia
Debtor

Date _____

 /s/
Joint Debtor (if any)

Certificate of Notice Page 7 of 7
 United States Bankruptcy Court
 District of New Jersey

In re:
 Jose Guadalupe Tapia
 Debtor

Case No. 17-15565-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 1
 Total Noticed: 17

Date Rcvd: May 01, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2017.

db
 516714989 +Jose Guadalupe Tapia, PO Box 233, Wrightstown, NJ 08562-0233
 516714990 +Capital One, PO Box 30285, Salt Lake City, UT 84130-0285
 516770872 +Chase Bank USA, 800 Brooksedge Blvd, Westerville, OH 43081-2822
 516714992 +JPMorgan Chase Bank, National Association, c/o Chase Records Center,
 Attn: Correspondence Mail, Mail Code LA4-5555, 700 Kansas Lane, Monroe, LA 71203-4774
 516714996 +KML Law Group, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 516714997 +SPS, PO Box 551170, Jacksonville, FL 32255-1170
 516714997 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
 TRENTON NJ 08646-0245
 (address filed with court: State of NJ- Division of Taxation, CN 245, Trenton, NJ 08646)
 516778472 +Santander Consumer USA, 1601 Elm St, Suite 800, Dallas, TX 75201-7260
 516778477 +Santander Consumer USA Inc., P.O. Box 560284, Dallas, TX 75356-0284
 516783806 +Santander Consumer USA Inc., PO Box 961245, Fort Worth, TX 76161-0244
 516714998 +Surgery Center at Hamilton, 1445 Whitehorse Mercerville Road, Suite 101,
 Trenton, NJ 08619-3834
 516714999 +Virtuoso Sourcing Group, 4500 Cherry Creek South Drive, Suite 300, Re: Sprint,
 Glendale, CO 80246-1531

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov May 01 2017 22:58:55 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov May 01 2017 22:58:52 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516714991 E-mail/Text: cio.bncmail@irs.gov May 01 2017 22:58:27 IRS Insolvency Function, PO Box 724,
 Springfield, NJ 07081
 516714993 +E-mail/Text: bnckohlsnotices@becket-lee.com May 01 2017 22:58:21 Kohls, PO Box 2983,
 Milwaukee, WI 53201-2983
 516714995 E-mail/Text: appebnmailbox@sprint.com May 01 2017 22:58:49 Sprint, 6360 Sprint Pkwy,
 Overland Park, KS 66251

TOTAL: 5

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516714994 ##+Santander, 8585 N Stemmons FW, Suite 1100N, Dallas, TX 75247-3822

TOTALS: 0, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner
 shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social
 Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required
 by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 03, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
 system on April 28, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
 Denise E. Carlon on behalf of Creditor Deutsche Bank National Trust Company, as Trustee, on
 behalf of the holders of the J.P. Morgan Mortgage Acquisition Trust 2007-CH1 Asset Backed
 Pass-Through Certificates, Series 2007-CH1 dcarlon@kmlawgroup.com, bkggroup@kmlawgroup.com
 John Zimnis on behalf of Debtor Jose Guadalupe Tapia njbankruptcy@aol.com.
 U.S. Trustee. USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 4